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WOOD, HERRON & EVANS, L.L.P.

BRUCE TITTEL
DONALD F. FREI
DAVID S. STALLARD
J. ROBERT CHAMBERS
GREGORY J. LUNN
KURT L. GROSSMAN
CLEMENT H. LUKEN, JR.
THOMAS J. BURGER
GREGORY F. AHRENS
WAYNE L. JACOBS
KURT A. SUMME
KEVIN G. ROONEY
KEITH R. HAUPP
THEODORE R. REMAKLUS
THOMAS W. HUMPHREY
SCOTT A. STINEBRUNER
DAVID H. BRINKMAN
BEVERLY A. LYMAN, PH.D.
KRISTI L. DAVIDSON

OF COUNSEL
JOHN D. POFFENBERGER
DAVID J. JOSEPHIC
THOMAS W. FLYNN
J. DWIGHT POFFENBERGER, JR.
BRADLEY D. BECK

2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OHIO 45202-2917
TELEPHONE: 513-241-2324
FACSIMILE: 513-241-6234
WEBSITE: www.whepatent.com
PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968
TRUMAN A. HERRON 1935-1976
EDWARD B. EVANS 1936-1971

JOSEPH R. JORDAN
C. RICHARD EBY
KATHRYN E. SMITH
P. ANDREW BLATT, PH.D.
DAVID E. JEFFERIES
WILLIAM R. ALLEN, PH.D.
JOHN PAUL DAVIS
DOUGLAS A. SCHOLER
BRETT A. SCHATZ
DAVID W. DORTON
SARAH OTTE GRABER
STEVEN W. BENINTENDI, PH.D.
RANDALL S. JACKSON, JR.

TECHNICAL ADVISORS
HENRY M. LABODA, PH.D.

September 12, 2005

FACSIMILE COVER SHEET

To: Examiner Peter J. Vrettakos
Group Art Unit: 3739
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Fax: (571) 273-8300

From: William R. Allen, Ph.D.
Re: US Application Serial No. 10/072,610
Filed February 6, 2002
Title: HANDPIECE FOR
TREATMENT OF TISSUE
Applicants: Stern, et al.
Atty Docket: 39238-0747 (THERM-06)

Pages: 29 (including cover sheet)

MESSAGE/COMMENTS

Please see the attached Amendment Transmittal (in duplicate) and Amendment Under 37 CFR §1.111 for filing in connection with the above-referenced application.

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PATENT

I hereby certify that this correspondence is being sent via facsimile transmission to: Mail Stop Amendment,
Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450, Attention: Examiner Peter J. Vrettakos; Fax
Number: (571) 273-8300 on September 12, 2005.

William R. Allen
William R. Allen, Reg. No. 48,389
12 September 2005
Date

Applicants: Stern et al.
 Serial No: 10/072,610
 Filing Date: February 6, 2002
 Art Unit: 3739
 Examiner: Peter J. Vrettakos
 Confirmation No.: 2778
 Title: HANDPIECE FOR TREATMENT OF TISSUE
 Atty Docket: 39238-0747 (THERM-06)

Cincinnati, OH

September 12, 2005

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.
2. X Small Entity status is claimed.
 Other than a Small Entity.
3. The fee has been calculated as shown below:

09/13/2005 MBINAS	00000029 233000	10072610
01 FC:2253	510.00 DA	

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		LARGE ENTITY	
Claims Remaining After Amendment		Highest No. Previously Paid For		Extra	Present Rate	Fee	Present Rate	Fee
TOTAL	57	MINUS	111	= 0	x \$25	\$0	x \$50	\$0
INDEP.	2	MINUS	3	= 0	x \$100	\$0	x \$200	\$0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+\$180	\$0	+\$360	\$0	
TOTALS				TOTAL FEE	\$	TOTAL FEE	\$0	

- ★ If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ★★ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- ★★★ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid for" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

XX No additional fee for claims is required.

4. Attached is a check in the sum of \$ _____.
— Please charge my Deposit Account No. 23-3000 in the amount of \$0. A duplicate copy of this sheet is attached.
5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.
Complete (a) or (b) as applicable.
(a) XX Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
— Extension <u>(months)</u>		
— one month	\$ 120.00	\$ 60.00
— two months	\$ 450.00	\$225.00
XX three months	\$1,020.00	\$510.00
— four months	\$1,590.00	\$795.00
— five months	\$2,160.00	\$1,080.00

- Attached is a check in the amount of \$____ for the____ month extension fee as required by 37 C.F.R. § 1.17(c)
- XX** Please charge my Deposit Account No. 23-3000 in the amount of \$510.00. A duplicate copy of this sheet is attached.

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

- An extension for ____ months has already been secured and the fee paid thereof of \$____ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$____.

OR

- (b)____ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.
- XX** If any additional fee for claims or extension of time is required, charge Account No. 23-3000. A duplicate of this transmittal is attached.

Respectfully submitted,
WOOD, HERRON & EVANS, L.L.P.

William R. Allen

William R. Allen
Reg. No. 48,389

2700 Carew Tower
Cincinnati, Ohio 45202
(513) 241-2324

PATENT

I hereby certify that this correspondence is being sent via facsimile transmission to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Facsimile Number: (571) 273-8300; Attention: Examiner Peter J. Vrettakos on September 12, 2005.

William R. Allen
William R. Allen, Reg. No. 48,389

12 September 2005
Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Stern et al.	Confirmation No.:	2778
Serial No.:	10/072,610		
Filed:	February 6, 2002		
Examiner:	Peter J. Vrettakos		
Art Unit:	3739		
Title:	HANDPIECE FOR TREATMENT OF TISSUE		
Attorney Docket:	39238-0747 (THERM-06)		

Cincinnati, Ohio 45202

September 12, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT UNDER 37 CFR § 1.111

In response to the non-final Office Action mailed on March 11, 2005, please amend the above-identified application as follows:

Amendments to the specification begin on page 2 of this paper.

Amendments to the claims are reflected in the listing of claims that begins on page 3 of this paper.

Remarks begin on page 12 of this paper.